

REMARKS

Claims 1-6, 8-26 and 28-38 are presented for consideration, with Claims 1, 24, 29, 30, 32, 34, 36 and 38 being independent.

Applicant would like to thank the Examiner for indicating Claims 7-12 and 27-28 as containing allowable subject matter. By this Amendment, all the independent claims have been amended to incorporate the allowable subject matter. Claims 7 and 27 have been cancelled.

Claims 17, 18, 20, 21, and 33 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicant respectfully directs Examiner's attention to the Amendment filed August 1, 2001, where support for these terms can be found at page 7, after line 26. The relevant portion recites:

In a further arrangement the colour component of the shape elements is varied as a function of time. The shape elements are rendered periodically to change the appearance of the displayed texture. The colour components may be varied in a cyclic fashion, wherein a period is assigned to each of the colour components. The period associated with the cyclic colour change may be randomly selected.

In another arrangement the opacity of one or more shape elements may be varied over time. The shape elements are periodically rendered to yield an animated texture. The opacities may be varied in cyclic fashion, and the period associated with the cyclic opacity change may be selected at random for each shape element.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, for allegedly being incomplete for omitting essential structural cooperative relationship of elements. Applicant respectfully directs Examiner's attention to the Office Action of July 28, 2005, in which the same rejection was made. In the Office Action of July 28, 2005, Examiner asked

Applicant "to verify the following statement: The claim claims that the period is selected at random for each element." (Office Action 7/28/05, Page 2). During an interview conducted on May 9, 2006, it was agreed that this rejection under 112, second paragraph, set forth in the July 28, 2005 Office Action would be withdrawn. Nevertheless, in response to the question of whether the selected period applies just for each circle that is not overlapped, Claim 21 recites, "a period associated with the cyclic opacity change is selected at random for *each* shape element." There is no language in the claim that indicates that the selected period would only apply to those circles that are not overlapped. Thus, the answer to the Examiner's question, as best understood by Applicant, is no.

In the event that the above still does not address all of Examiner's concerns, it is respectfully requested that the Examiner contact undersigned agent so that prompt passage to issuance can be achieved.

Claims 1-6, 13-16, 19, 22-26, 29-32, and 34-38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kenji and Kurt.

By this Amendment, all the independent claims have been amended to incorporate the subject matter indicated as allowable by the Examiner. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Appln. No.: 09/277,171

Applicant's undersigned agent may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Ann McCamey/
Ann McCamey
Agent for Applicant
Registration No. 57,016

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

AMM

DC_MAIN 255588v1